

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

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|------------------------------|---|-----------|---------------|
| In Re: TERENCE TERELL BRYAN, |) | C.A. Nos. | 4:04-1851-TLW |
| Plaintiff, |) | | 4:04-1852-TLW |
| _____ |) | | 4:04-1853-TLW |
| | | | 4:04-2363-TLW |
| | | | 4:04-1854-TLW |
| | | | 4:04-2364-TLW |
| | | | 4:04-2365-TLW |
| | | | 4:05-0289-TLW |
| | | | 4:05-1056-TLW |
| | | | 4:05-1154-TLW |
| | | | 4:05-1729-TLW |
| | | | 4:05-1730-TLW |
| | | | 4:04-1223-TLW |
| | | | 4:05-2014-TLW |

ORDER

In each of the above-referenced *pro se* cases, the plaintiff, an inmate of the South Carolina Department of Corrections, alleges violations of state common law. Each of these actions, although originally filed in state court, were removed to federal court by the defendants, based upon their assumption that the plaintiff was also alleging violations of federal law.

Plaintiff has now filed motions and/or documents in each of these cases denying the assertion of any claims based on federal law. As a result, plaintiff asserts that each of these actions were improperly removed and that this Court is without jurisdiction to determine the issues presented. The defendants have not filed any memorandum in opposition to these motions and/or documents.

This matter now comes before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers, III, to whom this case had previously been assigned. In his Report, Magistrate Judge Rogers recommends that each of the above-referenced cases “be remanded to the state court where they were originally filed.” Additionally, the Report further recommends that “all outstanding motions in these cases be deemed moot...” As reasoned by the Magistrate Judge:

It is clear that the plaintiff’s complaints assert only causes of action under state law [footnote omitted]. This is made clear in his recent motions/documents filed.

The defendants have not filed any objections to the Report.

This Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge’s Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. As noted above, no objections have been filed to the Report. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

A *de novo* review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is **ORDERED**, without objection by the defendants, that each of the above-referenced cases be **REMANDED** to the state court where they were originally filed. As well, all outstanding motions in the above-referenced cases are deemed **MOOT**.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
United States District Court Judge

December 8, 2005
Florence, South Carolina